

## REMARKS

Claims 5-6 and 14 have been canceled.

Claims 1-4 and 7-13 are pending.

### **New Matter**

Although Applicant submits that the ranges in New Claim 14 are clearly inherent in the disclosed ranges, Applicant has canceled the claims for the sake of moving prosecution along.

### **Claim Objections**

Applicant has amended the specification and claims to properly recite "hexene" and "octene".

### **Claim Rejections**

#### 35 U.S.C. §112

The Office Action rejected Claims 1-14 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant traverses this rejection because the disclosed density range is clearly "about 0.92 - 0.956 g/cc". Applicant urges that Applicant can claim any valid range within that disclosed range. Clearly, the newly claimed endpoint 0.94 is well within the disclosed range of 0.92 - 0.956 and well within the possession of Applicant. Clearly, if claims are allowed with this density range, Applicant would be able to exclude others from practicing a range with end point 0.94. As such, Applicant can now claim 0.94 as an endpoint, particularly to claim within a range not in the prior art. Applicant urges Examiner to reconsider this rejection and conclude that it is not New Matter.

Furthermore, Applicant has removed the limitation of the metal layer being 100-400 angstroms as described above.

The Office Action rejected Claim 9 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action stated that the term "thin metal layer" in Claim 9 is a relative term which renders the claim indefinite. Applicant has amended the Claim 9 to remove the term "thin" that modifies "metal layer".

#### 35 U.S.C. §102

The Office Action rejected Claims 1-2, 7-11 and 14 under 35 U.S.C. 102(a) as being anticipated by Bader et al (USPN 5,972,496). Applicant respectfully traverses the rejection. Applicant once again states that Bader does disclose that several metallizable polymeric materials can be utilized including medium density polyethylene. (See Specification Col. 4, lines 61-67). However, the specification does also limit the density ranges in which the invention can be enabled. Specifically, the specification states that the density ranges from 0.94 to 0.96 g/cm<sup>3</sup> and over. (See specification Col. 5, lines 6-7). The Examiner has taken a position that LDPE, LLDPE and MDPE inherently encompass the instantly claimed density ranges. Applicant strongly urges that this position is repugnant to the very essence of according patent protection to new and non-obvious inventions. Clearly, Bader has been accorded patent protection having cited Migliorini as a reference. Quite clearly, although the Bader reference discloses LLDPE, LDPE, MDPE and HDPE, 0.96 and above cannot be included in those ranges because patent protection has been accorded for 0.96 And above in the earlier Migliorini patent. As such, these patents co-exist. Therefore, the claimed range of 0.96 or greater in Migliorini is patentably distinct from the disclosed range of 0.94 to 0.96 in Bader. These patents

co-exist and neither has disclosed or proven the ability to exercise Applicant's claimed range of 0.92 - 0.94. Applicant strongly urges that Applicant's claimed range of 0.92 - 0.94 further clearly co-exists and is patentably distinct from the two patents. Claims 1-4 and 7-13 are clearly novel and non-obvious from the patents and allowance is requested. Claim 14 has been canceled.

35 U.S.C. §103

The Office Action rejected Claims 3-4 and 12-14 under 35 U.S.C. 103(a) as being unpatentable over Bader et al in view of Migliorini et al. Applicant submits that the arguments and amendments outlined above render this rejection moot since Claims 1-4 and 7-13 are novel and non-obvious. Claim 14 has been canceled.

If Examiner has any questions regarding this document, Applicant asks that Examiner contact the undersigned immediately by telephone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg O'Bradovich", written over a horizontal line.

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